STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-4-1
EDUCATION ACCOUNTABILITY

THE ENTIRE CHAPTER 290-040-010, EDUCATION ACCOUNTABILITY, HAS BEEN RENUMBERED CHAPTER 290-4-1, EDUCATION ACCOUNTABILITY, AS SPECIFIED ON THE CERTIFICATION FILED JULY 18, 1996.

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290-4-1-.01 Education Accountability.

(1) The State Superintendent of Education is authorized to carry out the review, examination and supervisory responsibilities as prescribed in the Code of Ala. 1975, and to require reasonable and appropriate reports and to conduct hearings for the purpose of ensuring that due process requirements are met.

(2) Academic Assistance Program. Detailed policies and procedures for the Academic Assistance Program are found in the Alabama Consolidated Application Accountability Workbook for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110) and Rewards And Sanctions Plan, Alabama Accountability System.

(3) Financial Assistance Program. Local superintendents of education are required to prepare for the local boards of education annual budgets and financial statements, monthly financial reports, and other related documents for review and approval, as required by the State Department of Education and state laws.

(a) The State Superintendent of Education shall oversee the financial integrity of local boards of education and shall appoint a Chief Education Financial Officer.

1. The Chief Education Financial Officer shall be responsible for the collection and analysis of financial

reports and other related documents required to assess the financial integrity of local boards of education.

2. The Chief Education Financial Officer shall prepare reports on the financial integrity of local boards of education.

3. The Chief Education Financial Officer shall assist local boards of education whose financial position is deteriorating.

4. The Chief Education Financial Officer shall be bonded in the amount of $100,000.

(b) Unsound Financial Condition - Alert and Assistance. The State Department of Education shall provide assistance and advice if an analysis of the financial integrity of a local board of education determines the financial reports are fiscally unsound.

(c) Unsound Financial Condition - Continuous Assistance. If during the assistance the State Superintendent determines the local board of education is in an unsound financial condition, the State Superintendent will appoint a person to provide on-site continuous advice on the day-to-day financial operations of the local board.

(d) Unsound Financial Condition - Intervention. If after a reasonable period of on-site continuous assistance, a local board remains in an unsound financial condition, the State Superintendent shall request approval by the State Board of Education to have direct control of the fiscal operation of the local board. If the request is approved, the State Superintendent shall present to the State Board of Education a proposal for the implementation of management controls necessary to restore the local board to a sound financial condition. Upon the approval of the State Board of Education, the State Superintendent shall appoint a chief financial officer to manage the financial operations of the local board, until the fiscal condition of the local board is restored.

1. The chief financial officer will have the right of approval of every action affecting the expenditure of funds.

2. The chief financial officer shall be bonded and shall not be required to have approval of the local superintendent in the control of the local board’s funds.

3. The State Superintendent shall have the authority to review decisions of the chief financial officer and the local board.

4. The chief financial officer shall assume the duties established for local superintendents of education relating to fiscal operations of local boards of education pursuant to applicable Alabama statutory requirements, rules and regulations of the State Board of Education, and other requirements such as federal regulations, opinions of the Attorney General of Alabama, opinions of the Examiners of Public Accounts, and the interpretations of the State Superintendent of Education.

5. The State Superintendent may direct and approve actions:

(i) To prevent further deterioration in the financial condition of the local board.

(ii) To restore the local board to financial stability.

(iii) To enforce compliance with statutory, regulatory, and other financial standards and requirements.

(4) School Safety and Discipline Accountability. The State Board of Education will utilize one or both of the following criteria to determine if intervention by the State Superintendent is necessary as required by the Code of Ala. 1975, §16-6B-5:

(a) Failure of a school or school system to develop and implement the policies, rules, laws, and regulations relative to school safety and discipline as published and disseminated annually by the State Superintendent.

(b) Failure of a school or school system to respond to legitimate and documented school safety and discipline concerns/ incidents as determined by the State Superintendent after investigating the concerns/incidents. The State Superintendent will investigate the following requests/ incidents to determine if assignment of SDE personnel to a school or school system for school safety and discipline assistance is warranted:

1. A written request by official action of a local parent/professional/community organization (e.g., PTA/ PTO; ACSAS; civic club), or by a majority of the employees of a school or school system to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

2. A written request by official action of a school sanctioned student organization to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

3. A written request by a local school principal with evidence that a request was first submitted to the local school superintendent and next, to the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

4. An official request by a local superintendent of education.

5. An official request by a majority vote of a local board of education.

6. A person is killed or seriously injured at school or a school related activity as a result of a violent act.

(5) Release from Financial or School Safety and Discipline Intervention. Intervention for financial and/or school safety and discipline reasons shall remain in place until such time as either condition improves to an acceptable standard as determined by the State Superintendent. A local board may petition the State Board of Education for release from the state intervention by showing acceptable improvement on financial stability, safety and discipline, or for other just cause. The State Board, following a hearing, shall have final determination on the matter of release from state intervention.

Author: Ed Richardson

Statutory Authority: Ala. Const. amend. 284, Code of Ala. 1975, §§16-4-8, 16-6B-3, 16-6B-4, 16-6B-6.

History: New January 26, 1976. **Amended:** November 28, 1978, December 12, 1978, April 10, 1980, March 17, 1982. **Amended:** Filed April 12, 1996; effective May 17, 1996. **Amended:** Filed July 18, 1996; effective August 22, 1996. **Amended:** Filed August 20, 1996; effective September 24, 1996. **Amended:** Filed September 13, 1996; effective October 18, 1996. **Amended:** Filed July 21, 1997; effective August 25, 1997. **Amended:** Filed April 09, 1999; effective May 14, 1999. **Amended:** Filed February 10, 2000; effective March 16, 2000. **Amended:** Filed November 9, 2006; effective December 14, 2006.

290-4-1-.02 Educational Intervention.

(1) The State Board of Education may intervene in the educational operations of a city or county board of education as provided by the Educational Accountability and Intervention Act of 2013.

(2) After approval of educational intervention by the State Board of Education, the State Superintendent shall exercise control over the decision making and operational functions of the city or county board of education.

(3) The State Superintendent of Education or designee shall have the power and authority to act for and on behalf of the city or county board of education and its superintendent in all matters for all purposes under state laws while the city or county board of education is operating under educational intervention.
Author: Dr. Warren Craig Pouncey
Statutory Authority: Code of Ala. 1975, §§16-3-11.
History: New Rule: Filed September 12, 2013; effective October 18, 2013.

290-4-1-.03 Grading System For School Districts And Schools.

(1) The State Superintendent of Education shall, with input from parents, teachers, school administrators, existing State Department of Education advisory groups or task forces, and other education stakeholders, develop a school grading system for public K-12 school districts and schools. The grading system shall reflect the performance for a school district and individual schools with tested grades that do not exclusively serve a special population of students.

(2) The State Superintendent of Education shall determine the key performance indicators that reflect student learning and success. The key performance indicators shall be based on student achievement scores, achievement gaps, college and career readiness, learning gains, and the other indicators designated by the State Superintendent of Education.

(3) Academic proficiency and academic improvements, as well as other indicators designated by the State Superintendent of Education, shall be posted on the website for the State Department of Education. The local superintendent of the city or county board of education shall assure the information is delivered annually to the student’s parent or legal guardian.
Author: Angela Martin
Statutory Authority: Code of Ala. 1975, §§16-3-11.

History: New Rule: Filed November 10, 2016; effective December 25, 2016.

290-4-1-.04 Flexibility For Students In Priority Schools.

(1) The State Superintendent of Education shall prepare a list of priority schools under the provisions of the Alabama Accountability Act of 2013, as amended. The list of schools will be provided to local school superintendents and will be posted to the State Department of Education's web site before November 1. A priority school is determined by the State Department of Education through the approved accountability formula that contains the following criteria:

(a) The school meets the criteria for a priority school included in the Alabama Accountability Act of 2013, as amended.

(b) Beginning on September 1, 2023, the school earns a grade of "D" or "F" on the most recent school report card developed pursuant to Section 16-6C-2, Code of Alabama 1975.

(2) Before January 1 of each year, a local board of education that has a school included on the annual list of priority schools shall provide notification to parents or legal guardians of students enrolled in a priority school or, upon completion of the highest grade in the school currently attending, the student is scheduled to enroll in a priority school the following school year. The notification will outline options those parents or legal guardians may pursue related to school choice for the following school year. The options for school choice must be presented in the order listed below:

(a) Option 1 - The student will remain or enroll in the priority school.

(b) Option 2 - The student will transfer to a comparable school that is not included on the annual list of priority schools within the same local school system that has available space and is willing to accept the student. The local school system will be responsible for the transportation costs for the student if the school system provides transportation for other enrolled students. The local school system may negotiate transportation options with a parent of the student.

(c) Option 3 - The student will transfer to a comparable school that is not included on the annual list of priority schools within another Alabama local school system that has available space and is willing to accept the student.

(d) Option 4 - Student transfers to a qualifying nonpublic Alabama school that is willing to accept the student.

(e) The option for the student to transfer to another Alabama local school system is not available if a comparable school that is not included on the annual list of priority schools within the same local school system has available space and is willing to accept the student.

(f) A comparable school does not include a school that limits admission due to established academic or selection criteria for incoming students.

(3) After notification of the options to transfer a student from a priority school, the parents or legal guardian must submit the required notice of transfer to a qualifying Alabama school for the following school year. The State Department of Education will provide the notice of transfer form and accompanying instructions to the priority school.

(a) The notice of transfer must be submitted to the local school superintendent or designee by March 1.

(b) The notice of transfer must include verification, from the school administrator of the qualifying school that the student will attend the following year, that the school will accept the student. The student must first attempt to enroll in a comparable school that is not included on the annual list of priority schools within the same local school system.

(c) The notice of transfer, for a student who was attending another Alabama public school system on April 1 and enrolls in and attends a priority school for the following school year, must be submitted to the local school superintendent or designee before the tenth day after Labor Day.

(d) The parent or legal guardian of a student who transfers from a priority school after March 14, 2013, shall remain eligible for the state income tax credit or educational scholarship until the student completes the highest grade level that the priority school offered at the time of the transfer.

(4) A student with disabilities enrolled in or scheduled to enroll in a priority school the following school year that transfers to a qualifying Alabama school will be provided with the services as outlined in the current Individualized Education Plan Program (IEP).

(a) A student with disabilities who transfers to a comparable school that is not included on the annual list of priority schools within the same local school system will be provided with the services as outlined in the current IEP.

(b) A student with disabilities who transfers to a comparable school that is not included on the annual list of priority schools within another Alabama local school system will transfer with the current IEP services and the receiving local school system may convene an IEP meeting to make any revisions to the IEP based on the needs of the student within the new environment.

(c) A student with disabilities who transfers to a qualifying nonpublic Alabama school will be eligible for the services provided to nonpublic school students contained in the LEA Non-Public School Services Plan.

(5) Qualifying nonpublic schools include private schools and church schools providing educational services to Alabama students. A qualifying nonpublic school does not include a school providing educational services through homeschooling or online courses. A qualifying nonpublic school must meet the requirements to participate in the scholarship program authorized by the Alabama Accountability Act of 2013, as amended. A qualifying nonpublic school must be accredited by one of the six regional accrediting agencies recognized by the State Board of Education or meet all the conditions for a qualifying school provided by the Alabama Accountability Act of 2013, as amended.
Author: Dr. Warren Craig Pouncey; Dr. Eric G. Mackey.
Statutory Authority: Code of Ala. 1975, §16-3-11.
History: **New Rule:** Filed September 12, 2013; effective October 18, 2013. **Amended:** Published December 29, 2023; effective February 12, 2024.

290-4-1-.05 Legislative School Performance Recognition Program.

(1) The Legislative School Performance Recognition Program is created within the State Department of Education to reward public schools that either:

(a) Demonstrate high performance by being ranked in the top 25 percent of public schools, as ranked in the school grading system and state education accountability rules.

(b) Demonstrate exemplary progress by improving the overall annual ranking of the school by at least one letter grade, as ranked in the school grading system and state education accountability rules.

(c) Demonstrate other criteria hereafter set forth by the Legislature.

(2) All public schools that are ranked in the school grading system are eligible to participate in the program.

(3) The State Superintendent of Education shall prescribe guidelines for how the program shall be administered and implemented.

(4) Selected schools shall receive financial awards depending on the availability of funds appropriated by the Legislature to the program. The State Superintendent of Education shall distribute funds to eligible schools on a competitive basis based on the criteria set forth in this section as well as in the guidelines governing how the program is to be administered and implemented. No school may be eligible for an award pursuant to multiple classifications at the same time.

(5) A list of schools eligible for an award pursuant to this section shall be annually posted by the State Superintendent of Education on the website of the department.
Author: Dr. Eric Mackey
Statutory Authority: Code of Ala. 1975, §16-6C-3.
History: New Rule: Published December 31, 2019; effective February 14, 2020.